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EXAMINER

KAMAL, SHAHID

ART UNIT	PAPER NUMBER
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3621

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/628,702	<b>Applicant(s)</b> SAHOTA ET AL.	
	<b>Examiner</b> Shahid Kamal	<b>Art Unit</b> 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____  |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :10/30/2003, 04/22/2004, 03/03/2005, 10/07/2004.

## DETAILED ACTION

### *Response to Amendment*

1. This Office Action is responsive to the amendment filed October 29, 2007.
2. Claims 1-35 are currently pending and have been examined.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(b) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 4-6, 10, 14-15, 18-19, 24, 27-29, &33 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee (US Pub. No. 2002/0152178 A1).

Referring to claim 1, Lee discloses a method of performing a transaction comprising: placing a first device in wireless communication with a second device (page 1, col. 1, ¶ 0005);

- Selecting an application deployed on the first device which will be utilized to conduct the transaction, wherein the application selected is supported by the second device (page 1, col. 1, 2, ¶ 0007-0011);
- Determining transaction processing capabilities supported by the second device (page 1, col. 1, 2, ¶ 0007-0011);

- Communicating application data from the first device to the second device, wherein the application data is selected in response to the transaction processing capabilities (page 1, col. 1, 2, ¶ 0007-0011);

And processing the application data as required by the application to approve or disapprove the transaction (page 1, col. 1, 2, ¶ 0007-0011).

Lee does not disclose selecting an application deployed on the first device which will be utilized to conduct the transaction, wherein the application selected is supported by the second device. It is noted, however, that Lee teaches that the information processed in his method in order to convey such information to a human operator in a manner, which facilitates the analysis of such data (page 1, col. 1, 2, ¶ 0007-0011). Because “selecting an application” would have been obvious to a person having an ordinary skill in the art at the time the invention was made.

Referring to claim 4, Lee ‘178 discloses the first device is a cellular telephone (page 1, col. 1, ¶ 0001).

Referring to claim 5, Lee ‘178 discloses the first device is a personal digital assistant (page 3, col. 2, ¶ 0037).

Referring to claim 6, Lee discloses the first device comprises: means for storing application data (page 8, col. 2, claim 6);

- And means for communicating with the second device over a wireless interface (page 8, col. 2, claim 6).

Referring to claim 10, Lee ‘178 discloses the first device communicates with the second device by radio frequency (page 9, col. 2, claim 11).

Referring to claim 14, Lee '178 discloses the application data comprises security data (page 5, col. 1, ¶ 0061).

Referring to claim 15, Lee '178 discloses the security data comprises data for static data authentication (page 5, col. 1, ¶ 0064).

Referring to claim 18, Lee '178 discloses the step of selecting the application comprises: transmitting from the first device to the second device a list comprising: applications supported by the first device (page 1, col. 1, 2, ¶ 0007-0011);

- And a priority indicator for each application, wherein the priority indicator indicates the preference that the associated application will be selected for use in performing the transaction (page 1, col. 1, 2, ¶ 0007-0011);
- Comparing the applications supported by the first device with the applications supported by the second device (page 1, col. 1, 2, ¶ 0007-0011);
- Selecting the application mutually supported by the first device and the second device with the highest priority indicator as the application for use in approving or disapproving the transaction (page 1, col. 1, 2, ¶ 0007-0011).

Referring to claim 19, Lee '178 discloses the step of selecting the application comprises: transmitting from the first device to the second device data identifying the applications supported by the first device (page 1, col. 1, 2, ¶ 0007-0011);

- Comparing the applications supported by the first device with the applications supported by the second device (page 1, col. 1, 2, ¶ 0007-0011);
- Displaying applications mutually supported by the first device and the second device to a user of the first device (page 1, col. 1, 2, ¶ 0007-0011);

- Selecting the application to be used to approve or disapprove the transaction, wherein such selection is performed by the user of the first device (page 1, col. 1, 2, ¶ 0007-0011).

Referring to claim 24, Lee '178 discloses A method for selecting an application for use in approving or disapproving a transaction over a wireless interface comprising: transmitting the applications supported by a first device to a second device in wireless communication with the first device (page 1, col. 1, 2, ¶ 0007-0011);

- Comparing the applications supported by the first device to applications supported by the second device (page 1, col. 1, 2, ¶ 0007-0011);

- Displaying on the second device the mutually supported applications to a user of the first device (page 1, col. 1, 2, ¶ 0007-0011);

- Selecting a desired application from the mutually supported applications displayed on the second device, wherein such selection is performed by the user of the first device (page 1, col. 1, 2, ¶ 0007-0011);

- Communicating the desired application from the second device to the first device (page 1, col. 1, 2, ¶ 0007-0011);

- And communicating from the first device to the second device data necessary for the desired applications to approve or disapprove the transaction (page 1, col. 1, 2, ¶ 0007-0011).

Referring to claim 27, Lee '178 discloses the first device is a cellular telephone (page 1, col. 1, ¶ 0001).

Referring to claim 28, Lee '178 discloses the first device is a personal digital assistant (page 3, col. 2, ¶ 0037).

Referring to claim 29, Lee discloses the first device comprises: means for storing application data (page 8, col. 2, claim 6);

- And means for communicating with the second device over a wireless interface (page 8, col. 2, claim 6).

Referring to claim 33, Lee '178 discloses the first device communicates with the second device by radio frequency (page 9, col. 2, claim 11).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-3, 7-9, 13, 16, 20-23, 25-26, & 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US Pub. No. 2002/0152178 A1) in view of Weller et al. (US Pub. No. 2002/0111919 A1).

Referring to claim 2, Lee '178 discloses all the elements of claim 1, as indicated above.

However, it does not expressly disclose the first device is an integrated circuit card.

Weller '919 discloses a well-known integrated circuit card for providing monetary/business transactions (page 1, col. 2, ¶ 0009).

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified of Lee '178 to include the integrated circuit card taught by Weller '919, as discussed above, in order to provide a credit card transaction authentication



system and method using a mobile terminal, wherein a credit card settlement by means of contactless radio-frequency identification of a cellular phone (page 1, col. 1, ¶ 0001).

Referring to claim 3, Lee '178 discloses all the elements of claim 2, as indicated above. However, it does not expressly disclose said integrated circuit card comprises antenna for communicating with the second device over a wireless interface.

Weller '919 discloses said integrated circuit card comprises antenna for communicating with the second device over a wireless interface (page 1, col. 2, ¶ 0009).

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified of Lee '178 to include said integrated circuit card comprises an antenna for communicating with the second device over a wireless interface taught by Weller '919, as discussed above, in order to provide a credit card transaction authentication system and method using a mobile terminal, wherein a credit card settlement by means of contactless radio-frequency identification of a cellular phone (page 1, col. 1, ¶ 0001).

Referring to claim 7, Lee '178 discloses all the elements of claim 1, as indicated above. However, it does not expressly disclose the second device comprises: a reader for receiving data from the first device over a wireless interface.

Weller '919 discloses the second device comprises: a reader for receiving data from the first device over a wireless interface (page 11, col. 1, ¶ 0113-0117).

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified of Lee '178 to include the second device comprises: a reader for receiving data from the first device over a wireless interface taught by Weller '919, as discussed above, in order to provide a credit card transaction authentication system and method

using a mobile terminal, wherein a credit card settlement by means of contactless radio-frequency identification of a cellular phone (page 1, col. 1, ¶ 0001).

Referring to claim 8, Lee '178 discloses all the elements of claim 1, as indicated above.

However, it does not expressly disclose the second device comprises:

a point of sale terminal.

Weller '919 discloses the second device comprises: a point of sale terminal (page 18, col. 1, 2, ¶ 0231-0234).

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified of Lee '178 to include the second device comprises: a point of sale terminal taught by Weller '919, as discussed above, in order to provide a credit card transaction authentication system and method using a mobile terminal, wherein a credit card settlement by means of contactless radio-frequency identification of a cellular phone (page 1, col. 1, ¶ 0001).

Referring to claim 9, Lee '178 discloses all the elements of claim 1, as indicated above.

However, it does not expressly disclose the second device comprises a hardware security key.

Weller '919 discloses the second device comprises a hardware security key (page 19, col. 2, ¶ 0244).

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified of Lee '178 to include the second device comprises a hardware security key taught by Weller '919, as discussed above, in order to provide a credit card transaction authentication system and method using a mobile terminal, wherein a credit card

settlement by means of contactless radio-frequency identification of a cellular phone (page 1, col. 1, ¶ 0001).

Referring to claim 13, Lee '178 discloses all the elements of claim 1, as indicated above.

However, it does not expressly disclose the step of determining transaction processing capabilities comprises: informing the first device of the application selected for use in performing the transaction; communicating a request from the first device to the second device wherein said request seeks data on the capability of the second device to perform particular transaction types; and communicating the transaction processing capabilities from the second device to the first device.

Weller '919 discloses the step of determining transaction processing capabilities comprises: informing the first device of the application selected for use in performing the transaction (page 1, col. 2, ¶ 0007-0009);

- Communicating a request from the first device to the second device wherein said request seeks data on the capability of the second device to perform particular transaction types (page 1, col. 2, ¶ 0007-0009);
- Communicating the transaction processing capabilities from the second device to the first device (page 1, col. 2, ¶ 0007-0009).

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified Lee '178 to include the step of determining transaction processing capabilities comprises: informing the first device of the application selected for use in performing the transaction; communicating a request from the first device to the second device wherein said request seeks data on the capability of the second device to

perform particular transaction types; and communicating the transaction processing capabilities from the second device to the first device taught by Weller '919, as discussed above, in order to provide a credit card transaction authentication system and method using a mobile terminal, wherein a credit card settlement by means of contactless radio-frequency identification of a cellular phone (page 1, col. 1, ¶ 0001).

Referring to claim 16, Lee '178 discloses all the elements of claim 14, as indicated above. However, it does not expressly disclose the security data comprises data for dynamic data authentication.

Weller '919 discloses the security data comprises data for dynamic data authentication (page 4, col. 1, ¶ 0043).

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified of Lee '178 to include the security data comprises data for dynamic data authentication taught by Weller '919, as discussed above, in order to provide a credit card transaction authentication system and method using a mobile terminal, wherein a credit card settlement by means of contactless radio-frequency identification of a cellular phone (page 1, col. 1, ¶ 0001).

Referring to claim 20, Lee '178 discloses all the elements of claim 1, as indicated above. However, it does not expressly disclose the second device is informed of the application data format prior to receiving the application data.

Weller '919 discloses the second device is informed of the application data format prior to receiving the application data (page 1, col. 2, ¶ 0007-0010).

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified of Lee '178 to include the second device is informed of the application data format prior to receiving the application data taught by Weller '919, as discussed above, in order to provide a credit card transaction authentication system and method using a mobile terminal, wherein a credit card settlement by means of contactless radio-frequency identification of a cellular phone (page 1, col. 1, ¶ 0001).

Referring to claim 21, Lee '178 discloses all the elements of claim 1, as indicated above. However, it does not expressly disclose the second device determines the application data format by parsing the application data for an indicator.

Weller '919 discloses the second device determines the application data format by parsing the application data for an indicator (page 1, col. 2, ¶ 0007-0010).

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified of Lee '178 to include the second device determines the application data format by parsing the application data for an indicator taught by Weller '919, as discussed above, in order to provide a credit card transaction authentication system and method using a mobile terminal, wherein a credit card settlement by means of contactless radio-frequency identification of a cellular phone (page 1, col. 1, ¶ 0001).

Referring to claim 22, Lee '178 discloses all the elements of claim 21, as indicated above. However, it does not expressly disclose the presence of the indicator informs the second device the application data is formatted for magnetic stripe transactions.

Weller '919 discloses the presence of the indicator informs the second device the application data is formatted for magnetic stripe transactions (page 17, col. 2, ¶ 0224).

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified of Lee '178 to include the presence of the indicator informs the second device the application data is formatted for magnetic stripe transactions taught by Weller '919, as discussed above, in order to provide a credit card transaction authentication system and method using a mobile terminal, wherein a credit card settlement by means of contactless radio-frequency identification of a cellular phone (page 1, col. 1, ¶ 0001).

Referring to claim 23, Lee '178 discloses all the elements of claim 21, as indicated above. However, it does not expressly disclose the absence of the indicator informs the second device the application data is formatted for magnetic stripe transactions.

Weller '919 discloses the absence of the indicator informs the second device the application data is formatted for magnetic stripe transactions (page 17, col. 2, ¶ 0224).

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified of Lee '178 to include the absence of the indicator informs the second device the application data is formatted for magnetic stripe transaction taught by Weller '919, as discussed above, in order to provide a credit card transaction authentication system and method using a mobile terminal, wherein a credit card settlement by means of contactless radio-frequency identification of a cellular phone (page 1, col. 1, ¶ 0001).

Referring to claim 25, Lee '178 discloses all the elements of claim 24, as indicated above. However, it does not expressly disclose the first device is an integrated circuit card.

Weller '919 discloses a well-known integrated circuit card for providing monetary/business transactions (page 1, col. 2, ¶ 0009).

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified of Lee '178 to include the integrated circuit card taught by Weller '919, as discussed above, in order to provide a credit card transaction authentication system and method using a mobile terminal, wherein a credit card settlement by means of contactless radio-frequency identification of a cellular phone (page 1, col. 1, ¶ 0001).

Referring to claim 26, Lee '178 discloses all the elements of claim 25, as indicated above. However, it does not expressly disclose said integrated circuit card comprises antenna for communicating with the second device over a wireless interface.

Weller '919 discloses said integrated circuit card comprises antenna for communicating with the second device over a wireless interface (page 1, col. 2, ¶ 0009).

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified of Lee '178 to include said integrated circuit card comprises an antennae for communicating with the second device over a wireless interface taught by Weller '919, as discussed above, in order to provide a credit card transaction authentication system and method using a mobile terminal, wherein a credit card settlement by means of contactless radio-frequency identification of a cellular phone (page 1, col. 1, ¶ 0001).

Referring to claim 30, Lee '178 discloses all the elements of claim 24, as indicated above. However, it does not expressly disclose the second device comprises: a reader for receiving data from the first device over a wireless interface.

Weller '919 discloses the second device comprises: a reader for receiving data from the first device over a wireless interface (page 11, col. 1, ¶ 0113-0117).

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified of Lee '178 to include the second device comprises: a reader for receiving data from the first device over a wireless interface taught by Weller '919, as discussed above, in order to provide a credit card transaction authentication system and method using a mobile terminal, wherein a credit card settlement by means of contactless radio-frequency identification of a cellular phone (page 1, col. 1, ¶ 0001).

Referring to claim 31, Lee '178 discloses all the elements of claim 24, as indicated above. However, it does not expressly disclose the second device comprises: a point of sale terminal.

Weller '919 discloses the second device comprises: a point of sale terminal (page 18, col. 1, 2, ¶ 0231-0234).

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified of Lee '178 to include the second device comprises: a point of sale terminal taught by Weller '919, as discussed above, in order to provide a well known means for providing cashless/business transactions.

Referring to claim 32, Lee '178 discloses all the elements of claim 24, as indicated above. However, it does not expressly disclose the second device comprises a hardware security key.

Weller '919 discloses the second device comprises a hardware security key (page 19, col. 2, ¶ 0244).

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified of Lee '178 to include the second device comprises a hardware security key taught by Weller '919, as discussed above, in order to provide a credit



card transaction authentication system and method using a mobile terminal, wherein a credit card settlement by means of contactless radio-frequency identification of a cellular phone (page 1, col. 1, ¶ 0001).

7. Claims 11, 12, 17, 34, & 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US Pub. No. 2002/0152178 A1) in view of Lapstun et al. (US Patent No. 6,978,019 B1).

Referring to claim 11, Lee '178 discloses all the elements of claim 1, as indicated above.

However, it does not expressly disclose the first device communicates with the second device by infrared communication.

Weller '919 discloses the first device communicates with the second device by infrared communication (col. 44, lines 4-15).

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified of Lee '178 to include the first device communicates with the second device by infrared communication taught by Lapstun '019, as discussed above, in order to provide a credit card transaction authentication system and method using a mobile terminal, wherein a credit card settlement by means of contactless radio-frequency identification of a cellular phone (page 1, col. 1, ¶ 0001).

Referring to claim 12, Lee '178 discloses all the elements of claim 1, as indicated above.

However, it does not expressly disclose the first device communicates with the second device by laser communication.

Weller '919 discloses the first device communicates with the second device by laser communication (col. 44, lines 4-15).

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified of Lee '178 to include the first device communicates with the second device by laser communication taught by Lapstun '019, as discussed above, in order to provide a credit card transaction authentication system and method using a mobile terminal, wherein a credit card settlement by means of contactless radio-frequency identification of a cellular phone (page 1, col. 1, ¶ 0001).

Referring to claim 17, Lee '178 discloses all the elements of claim 1, as indicated above. However, it does not expressly disclose the step of processing the application data occurs offline.

Weller '919 discloses the step of processing the application data occurs offline (col. 21, lines 50-65).

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified of Lee '178 to include the step of processing the application data occurs offline taught by Lapstun '019, as discussed above, in order to provide a credit card transaction authentication system and method using a mobile terminal, wherein a credit card settlement by means of contactless radio-frequency identification of a cellular phone (page 1, col. 1, ¶ 0001).

Referring to claim 34, Lee '178 discloses all the elements of claim 24, as indicated above. However, it does not expressly disclose the first device communicates with the second device by infrared communication.

Weller '919 discloses the first device communicates with the second device by infrared communication (col. 44, lines 4-15).

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified of Lee '178 to include the first device communicates with the second device by infrared communication taught by Lapstun '019, as discussed above, in order to provide a credit card transaction authentication system and method using a mobile terminal, wherein a credit card settlement by means of contactless radio-frequency identification of a cellular phone (page 1, col. 1, ¶ 0001).

Referring to claim 35, Lee '178 discloses all the elements of claim 24, as indicated above. However, it does not expressly disclose the first device communicates with the second device by laser communication.

Weller '919 discloses the first device communicates with the second device by laser communication (col. 44, lines 4-15).

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified of Lee '178 to include the first device communicates with the second device by laser communication taught by Lapstun '019, as discussed above, in order to provide a credit card transaction authentication system and method using a mobile terminal, wherein a credit card settlement by means of contactless radio-frequency identification of a cellular phone (page 1, col. 1, ¶ 0001).

**8. Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in

preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

***Response to Arguments***

9. Applicant's arguments filed October 29, 2007 have been fully considered but they are not persuasive.

10. Applicant argue that Lee, Weller, and Lapstun do not disclose placing a first device in wireless communication with a second device; selecting an application deployed on the first device which will be utilized to conduct the transaction, wherein the application selected is supported by the second device; determining transaction processing capabilities supported by the second device; communicating application data from the first device to the second device, wherein the application data is selected in response to the transaction processing capabilities; and processing the application data as required by the application to approve or disapprove the transaction.

And transmitting the applications supported by a first device to a second device in wireless communication with the first device; comparing the applications supported by the first device to applications supported by the second device; displaying on the second device the mutually supported applications to a user of the first device; selecting a desired application from the mutually supported applications displayed on the second device, wherein such selection is performed by the user of the first device; communicating the desired application from the second

device to the first device; and communicating from the first device to the second device data necessary for the desired applications to approve or disapprove the transaction.

11. However, the examiner respectfully disagrees. Lee, Weller, and Lapstun disclose placing a first device in wireless communication with a second device (see at least Lee: column 1, paragraph 0005); selecting an application deployed on the first device which will be utilized to conduct the transaction, wherein the application selected is supported by the second device (see at least Lee column 1,2 paragraphs 0007-00011); determining transaction processing capabilities supported by the second device (see at least Lee: column 1,2, paragraphs 0007-0011); communicating application data from the first device to the second device, wherein the application data is selected in response to the transaction processing capabilities (see at least Lee: column1,2, paragraphs 0007-0011); and processing the application data as required by the application to approve or disapprove the transaction (see at least Lee: column1,2, paragraphs 0007-0011). Lee does not disclose selecting an application deployed on the first device which will be utilized to conduct the transaction, wherein the application selected is supported by the second device. It is noted, however, that Lee teaches that the information processed in his method in order to convey such information to a human operator in a manner, which facilitates the analysis of such data (page 1, col.1, 2, ¶ 0007-0011). Because “selecting an application” would have been obvious to a person having an ordinary skill in the art at the time the invention was made.

And transmitting the applications supported by a first device to a second device in wireless communication with the first device (see at least Lee: column 1,2, paragraphs 0007-0011); comparing the applications supported by the first device to applications supported by the second

device (see at least Lee: column 1,2, paragraphs 0007-0011); displaying on the second device the mutually supported applications to a user of the first device (see at least Lee: column 1,2, paragraphs 0007-0011); selecting a desired application from the mutually supported applications displayed on the second device, wherein such selection is performed by the user of the first device (see at least Lee: column 1,2, paragraphs 0007-0011); communicating the desired application from the second device to the first device (see at least Lee: column 1,2, paragraphs 0007-0011); and communicating from the first device to the second device data necessary for the desired applications to approve or disapprove the transaction (see at least Lee: column 1,2, paragraphs 0007-0011). It is noted, however, that Lee teaches that the information processed in his method in order to convey such information to a human operator in a manner, which facilitates the analysis of such data (page 1, col. 1, 2, ¶ 0007-0011). Because “selecting an application” would have been obvious to a person having an ordinary skill in the art at the time the invention was made.

### *Conclusion*

12. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shahid Kamal whose telephone number is (571) 270-3272. The examiner can normally be reached on MONDAY through THURSDAY between the hours of 8:30 AM and 7 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300 for Regular/After Final Actions and 571-273-6714 for Non-Official/Draft.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shahid Kamal  
December 03, 2007

  
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